IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1565 (S/S) of 2005

Ex-Sepoy Kewal Prakash,
son of Sri Kashi Ram,
(of) D Coy, 10, Mahar Regiment,
resident of Nai Basti, Chikiya,
PO - Chikiya, Tehsil - Ram Nagar,
District- Nainital. .....Petitioner.

Versus.

1. Union of India, through Secretary, Ministry of Defence, New Delhi.
2. The Chief of Army Staff, Sena Bhawan, New Delhi.
3. The AD, B.N. Commander, the Mahar Regiment Centre, Saugar, MP.
4. The Commandant, 10 Mahar Regiment, C/o 56 APO, 99/ APO.

.....Respondent.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri I.S. Mehra, learned counsel for the petitioner and learned Ms. Seema Sirohi, learned standing counsel for Union of India, who has accepted notices on behalf of respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of Certiorari quashing the order dated 08.07.2003 passed by respondent no. 3 dismissing the petitioner from service.

Learned counsel for the petitioner has fairly conceded that there is provision of Petition against the dismissal order before Chief of Army Staff.

Learned counsel for the petitioner has further submitted that against the dismissal order he has already preferred a petition on 08.07.2005 before respondent no. 2 i.e. Chief of Army Staff.

During the course of argument, learned counsel for the petitioner has confined his prayer to the extent that a direction be issued to respondent no. 2 to take decision on the petitioner's petitioner at the earliest.

The prayer is innocuous. Consequently, respondent no. 2 i.e. Chief of Army Staff is directed to take decision on the petitioner's petition dated 08.07.2005 filed against dismissal order as early as possible, preferably within a period of six months.

With this direction the writ petition is disposed of. No order as to costs.

(M.M Ghildiyal, J.)

October 27, 2005

SKSharma